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REMARKS

Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the English translation of FR 2542203 (hereinafter: "FR '203") in view of Bogart (U.S. Patent No. 4,308,654) (hereinafter: "Bogart") and Rekers (U.S. Patent No. 6,251,275) (hereinafter: "Rekers").

FR '203 is cited as disclosing all of the limitations of the dialyzer recited in claim 1 of the application except that FR '203 does not disclose that a lubricant is provided between an outer surface of the elastic tube and the inner wall of the case and that a concave portion is formed on the inner wall of the case.

Bogart is cited as teaching the provision of a lubricant on the exterior surface of a flexible envelope that is in the form of a tube containing a hollow fiber bundle to facilitate insertion of the envelope into a cylindrical housing.

Rekers is cited as teaching a "membrane module having hollow fiber membranes (62) and circumferential grooves in a concave shape on the inner wall of the housing to provide additional permeate channels." (Action, page 3, lines 10-12).

The Office's position is that it would be obvious to modify the dialyzer of FR '203 to include a lubricant between an outer surface of the elastic tube and the inner wall of the case and to

provide concave portions on the inner wall of the case of FR '203 to provide additional permeate channels.

Applicants respectfully submit that the proposed modification of the dialyzer of FR '203 will not result in the dialyzer of the present invention as recited in claim 1 and, therefore, the 35 U.S.C. § 103(a) rejection is improper.

In the present invention as recited in claim 1, the concave portion is provided on the inner wall of the case for receiving the rib provided on the outer circumferential surface of the elastic tube and fixing the tube. Concaves are not provided on the inner wall of the case for providing additional permeate channels. The concave portions on the inner wall of the case receive the rib on the outer surface of the elastic tube and fix the elastic tube in place. Additionally, the elastic tube is water-tightly contacted with the inner wall of the case. The concave portions recited in the present application are not and cannot be additional permeate channels. Modifying the device of FR '203 to include the additional permeate channels of Rekers will not result in the concaves of claim 1 of the present application.

Moreover, it is noted that in the present invention, the elastic tube increases a transmembrane pressure difference. Specifically, as described in paragraph [0047] of the specification

of the present application the elastic tube decreases the cross-sectional area of the dialysate flow path. As a result, the dialysate flow path pressure is abruptly increased at the portion in which the elastic tube is inserted. The transmembrane pressure is increased to allow the internal filtration and the internal backfiltration of a large amount of fluid. There is no disclosure or suggestion in the cited references of an elastic tube increasing a transmembrane pressure difference.

Claim 5 depends on claim 1 and is patentable in view of the patentability of claim 1.

Removal of the 35 U.S.C. 103(a) rejection of the claims is believed to be in order and is respectfully requested.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension and any additional required fees may be charged to Deposit Account No. 111833.

Respectfully submitted,
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